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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29081-2022
Date of decision : 18.08.2022

Parveen Kumar @ Binna and another ...Petitioners

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sushil Jain, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.39 dated 03.02.2022 registered under Sections 307, 323, 506 and 34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act at Police Station Safidon, District Jind (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

On 27.07.2022, this Court had passed the following order:-

“This is a petition under Section 482 Cr.P.C. praying for quashing of FIR No.39 dated 03.02.2022 registered under Sections 307, 323, 506, 34 IPC and Sections 25/54/59 of the Arms Act at Police Station Safidon, District Jind and all other consequential proceedings arising therefrom on the basis of compromise dated 24.06.2022.

Learned counsel for the petitioners has submitted that all the persons concerned are party to the compromise.

Notice of motion for 18.08.2022.

On the asking of the Court, Mr.Anmol Malik, DAG,

Haryana accepts notice on behalf of respondent no.1. Ms.Archana Chauhan, Advocate, appears on behalf of complainant-respondent no.2 and admits the factum of compromise.

Learned counsel for the petitioners and respondent no.2 are ad idem that no injury has been caused in the present case and thus, offence under Section 307 IPC is prima-facie not made out.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance of the abovesaid order, a report has been submitted by the Judicial Magistrate Ist Class, Safidon. The relevant portion of the said report is reproduced hereinbelow:-

“5. As directed by Hon'ble Court vide its order dated 27.07.2022, the desired report with all the specific detail is mentioned as follows:

Regarding point (1) *It is humbly submitted that two persons namely Parveen Kumar @ Binna and Ankit are arrayed as accused in this case.*

Regarding point (2) It is humbly submitted that as per the statement of IO P/SI Anil Kumar, **none of accused person has been declared as proclaimed offender.**

Regarding point (3) It is humbly submitted that I have also personally satisfied myself that **the complainant Sonu has arrived at a compromise with accused persons namely Parveen Kumar @ Binna and Ankit without any coercion, undue influence or pressure** and the complainant has no objection in case the present FIR against the accused persons is ordered to be quashed by Hon'ble High Court.

Regarding point (4) Further, it is humbly submitted that accused Ankit is not involved in any other FIR except present one, however, against accused Parveen Kumar @ Binna, there are three other FIRS registered, detail of which is given as follows:

- (i) FIR No.347 dated 16.09.2021, under Excise Act & under Section 420 of IPC, P. S. Sadar Safidon.
- (ii) FIR No.261 dated 08.09.2020, under Excise Act & under Section 420 of IPC, P. S. Sadar Safidon.
- (iii) FIR No.393 dated 27.10.2021, U/Ss. 323, 342, 506 of IPC, P. S. Baroda (Sonipat)

Regarding point (5). Further, it is humbly submitted that as directed by Hon'ble High Court, the statement of IO has been recorded. As per which, there is only one victim/complainant in this case, whose name is Sonu son of Dharampal and he has suffered a statement before the Court regarding compromise with accused persons.

6. The requisite report is being submitted as desired, please

Sd/-(Jyoti Sandhu)

JMIC, Safidon.

UID No.HR0427”

A perusal of the said report would show that the compromise has

been found to be genuine, without any pressure or undue influence. It has been stated that the statements of the complainant as well as the accused have been recorded in the case and both have stated that the matter has been compromised and they have no objection in case the FIR is quashed. It is further stated that the statement of the complainant has been made voluntarily without any fear, coercion or pressure.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions has stated that this fact is correct.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “**Kulwinder Singh and others Vs State of Punjab**”, reported as **2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “**Gian Singh Vs. State of Punjab and another**”, reported as **2012 (4) RCR (Criminal) 543**, had also

observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

In view of what has been discussed hereinabove, the petition is allowed and FIR No.39 dated 03.02.2022 registered under Sections 307, 323, 506 and 34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act at Police Station Safidon, District Jind (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise, are ordered to be quashed, qua the petitioners.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

18.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**